



## Professional Fiduciaries Bureau

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Website: [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov)



# FILING A COMPLAINT AGAINST A PROFESSIONAL FIDUCIARY

## 1. GENERAL INFORMATION

The Bureau accepts complaints filed against both licensed professional fiduciaries subject to the licensing laws under the Professional Fiduciaries Act (Business & Professional Code §6500 et seq.) and its regulations, and against unlicensed persons, acting as professional fiduciaries subject to the Act, for unlicensed activity. You may view the statutes and regulations on the Bureau's website or contact the Bureau to request copies.

Generally, licensing is required for non-family member professional fiduciaries who serve as private conservators or guardians for at least two persons who are not related to each other, or as agents for durable power of attorney for health care or for finances for at least four non-related individuals, or as trustees for at least four non-related trustors. Certain individuals are exempt from licensing including employees of trust companies, banks, companies regulated by the SEC, public agencies, and broker-dealers, investment advisors, attorneys, certified public accountants, and enrolled agents.

To file a complaint with the Bureau, you must fill out the Bureau's Complaint Form and mail or fax it to the Bureau. **You do not need an attorney to file a complaint.**

For violations of the Bureau's licensing laws, the Bureau has enforcement authority to issue citations and fines and to bring enforcement actions to suspend and revoke licenses. To initiate a disciplinary proceeding, the Bureau must determine that sufficient facts exist to prove that a professional fiduciary has violated the law.

The Bureau's enforcement jurisdiction applies only to professional fiduciaries subject to licensing. If your complaint is non-jurisdictional, the Bureau will notify you and may refer you to another government agency, if appropriate. If your complaint is jurisdictional, in addition to investigating your complaint, the Bureau may also refer you to another government agency with jurisdiction over the matter. For a listing of referrals see document titled: Referrals to Other Agencies for Complaints Against Fiduciaries.

## 2. RESOLVING CIVIL DISPUTES

The Bureau cannot resolve a civil complaint against a professional fiduciary. A civil dispute is a matter that must be resolved between the parties. To determine what legal options are available you should consult with an attorney. Some legal resources include:

California Senior Legal Hotline:  
Referral Services Directory: 1-866-422-2529  
[www.seniorlegalhotline.org](http://www.seniorlegalhotline.org)

Self Help and Legal Information:  
[www.lawhelpcalifornia.org/CA/index.cfm](http://www.lawhelpcalifornia.org/CA/index.cfm)

Find an Attorney, California State Bar:  
[www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10180&id=1396](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10180&id=1396)

Lawyer Referral Services, California State Bar:  
[www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10182](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10182)  
Referral Services Directory: 1-866-422-2529

### **3. PROVIDING YOUR PERSONAL INFORMATION ON COMPLAINT FORM**

#### **Collection and Use of Personal Information**

The information provided on the Complaint Form is maintained by the Chief of the Professional Fiduciaries Bureau, Department of Consumer Affairs. This information is requested pursuant to Business & Professions Code Sections 325, 326, and 6580. The Bureau uses this information to investigate complaints and enforcement licensing standards set by law. When filing a complaint with the Bureau, please provide as much information on the form as possible including attachments to assist with the investigation.

#### **Providing Personal Information is Voluntary**

You do not have to provide personal information to file a complaint. If you do not wish to provide personal information, such as your name, address, or telephone number on the form, you may remain anonymous. In that case, however, the Bureau may not be able to contact you or help resolve your complaint.

#### **Possible Disclosure of Personal Information**

The Bureau makes every effort to protect the personal information on the form and keep it confidential. However, in order to follow up on your complaint, the Bureau may need to share the information you provide with the person or business you are complaining about or with other government agencies. This may include sharing your personal information.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act.
- To another government agency as required by state or federal law.
- In response to a court or administrative action, a subpoena, or a search warrant.

#### **Access to Your Information and Privacy Policy**

You may review the records maintained by the Bureau that contain your personal information, as permitted by the Information Practices Act. To request access to the information, contact the Bureau at Post Office Box 989007, West Sacramento, CA 95798-9007 or call (916) 574-7340. For questions regarding the Department of Consumer Affairs' privacy policy, you may contact the Bureau, or the Information Security Office in the Department of Consumer Affairs at 1625 N. Market Blvd., S-202, Sacramento, CA 95834 or by e-mail at [privacy@dca.ca.gov](mailto:privacy@dca.ca.gov).